



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,180	08/01/2003	Julie C. Erinc	4099-4006US1	4897
7590 07/15/2004			EXAMINER	
MORGAN & FINNEGAN, L.L.P. 345 Park Avenue New York, NY 10154-0053			HOEY, ALISSA L	
			ART UNIT	PAPER NUMBER
			3765	
DATE MAILED: 07/15/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/633,180

Applicant(s)

ERINC, JULIE C.

Examiner

Alissa L. Hoey

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 10, 11 and 12 are objected to because of the following informalities: it is unclear if the garment body can be varied in length and width by adjusting the garment body or does it mean that the garment body can be made in various length and widths when manufactured. Appropriate correction is required.
2. Claim 12 is objected to because of the following informalities: should "width" be "length"? Appropriate correction is required.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the adjustable shoulder straps being removable (claim 6), ornamental appliqués on the shoulder straps (claim 7), fastening means on the rectangular body section (claims 8 and 9) and the rectangular body having various lengths and widths (claims 10-13) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief

Art Unit: 3765

description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

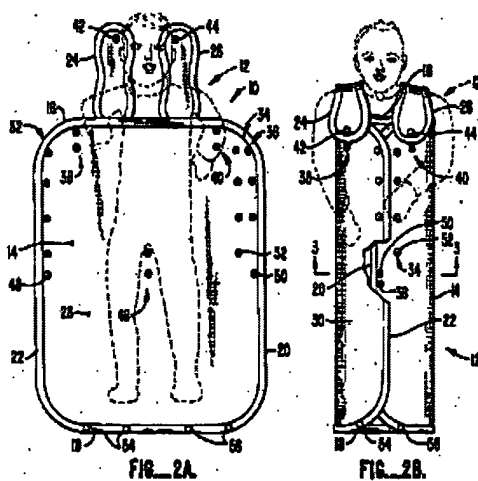
Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 8, 9 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Jeffries (US 4,688,282).



Art Unit: 3765

In regard to claims 1 and 2, Jeffries provides a wraparound garment (10) having a rectangular body section with four edges (column 2, lines 9-12). A pair of adjustable shoulder straps (24, 26) located on horizontally opposite corners of the length dimension (16). The pair of adjustable shoulder straps (24, 26) support and secured the wraparound garment (10) upon a torso of a wearer (12). The wraparound garment (10) of Jeffries is capable of being placed on a user by inserting an arm into one opening, wrapping the body section completely around the torso, inserting the opposite arm into the second opening and adjusting the shoulder straps.

In regard to claims 8 and 9, Jeffries provides a fastening means (48, 50) positioned upon the rectangular body section (10) and being in the form of snap fasteners (column 2, lines 45-54).

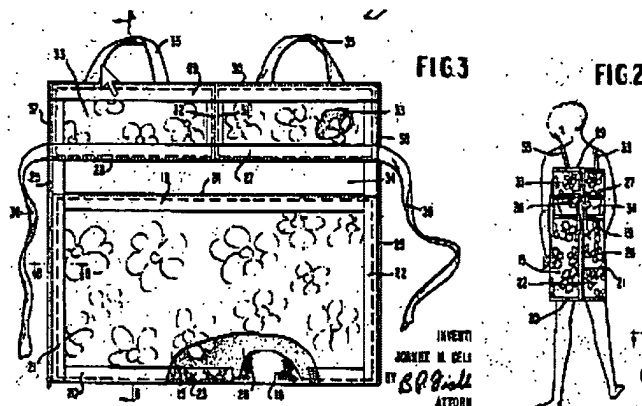
In regard to claim 14, Jeffries provides at least one edge of the rectangular body section having a straight finish (16, 18, 20, 22).

Claim Rejections - 35 USC § 103

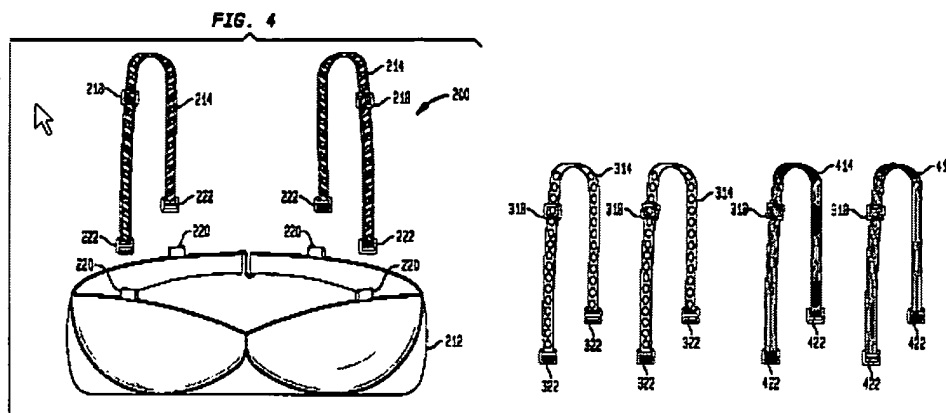
6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, 3, 4, 6, 7, 8, 9 and 10-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Keller (US 3,582,993) in view of Flaherty (US 6,186,861).



In regard to claims 1, 2, 4, 6 and 7 are Keller provides a wraparound garment (figures 1-3) having a rectangular body section with four edges (23, 25, 30). A pair of shoulder straps (35) located on horizontally opposite corners of the length dimension (30). The pair of shoulder straps (35) support and secure the wraparound garment upon a torso of a wearer (figures 1 and 2). The wraparound garment of Keller is capable of being placed on a user by inserting an arm into one opening (35), wrapping the body section completely around the torso and inserting the opposite arm into the second opening (35). Further, Keller teaches ornamental appliques on the rectangular body section (26, 33). However, Keller fails to teach the shoulder straps being adjustable, removable and having ornamental appliques applied thereto.



Flaherty provides adjustable, removable shoulder straps (314, 414) so that they can be adjusted (318) and interchanged (322, 422) based upon the size of the user and desired end look. Further, Flaherty provides ornamental appliqués on the adjustable straps (column 6, lines 6-11). It would have been obvious to have adjustable, removable straps with ornamental appliqués of Flaherty in place of the non adjustable straps of Keller, since the dress of Keller with adjustable shoulder straps allow the user to adjust the shoulder straps based upon the size of the wearer for proper fit and comfort. The removable straps would allow the user to change out the straps based upon desired aesthetic purposes and the ornamentation would further enhance the straps appearance. It would have been further obvious that if the straps of Flaherty are adjustable that the user can place the garment on their body and then adjust the straps for appropriate fit.

In regard to claim 3, Keller fails to teach one edge of the rectangular body having fringe.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to have provided one edge of the rectangular body having fringe because Applicant has not disclosed that providing fringe on one edge of the rectangular body provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore would have expected Applicant's invention to perform equally well with one edge of the rectangular body having fringe or not as long as there is at least four edges of the rectangular body. Therefore, it would have been an obvious matter of design choice to modify Keller to obtain the invention as specified in claim 3.

In regard to claims 8 and 9, Keller provides a fastening means positioned upon the rectangular body section and being in the form of tie fasteners (36).

In regard to claims, 10-13, Keller provides a wraparound dress garment. However, Keller fails to teach the size of the rectangular body varying based upon the size of the user. Further, Keller fails to teach the dress lengths varying from mini, above the knee, below the knee and ankle length.

It would have been obvious to have provided the rectangular body being any length and width based upon the size of the user, since most garments produced today are based upon measurements of the user's body. User's that are bigger wear garments that use a greater amount of fabric in length and width to accommodate for their bigger body parts. It would have been further obvious that the lengths of a dress can be determined by the end use and desired look of the dress garment. Dresses having a length of mini, above the knee, below the knee and ankle length are all well

Art Unit: 3765

known dress lengths and can be chosen as desired to cover more or less of the user's body.

In regard to claim 14, Keller provides at least one edge of the rectangular body section having a straight finish (23, 25 and 30).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

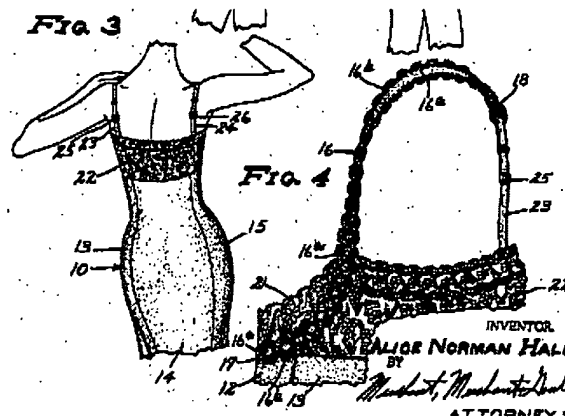
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 2 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keller in view of Hall (US 3,304,942).

In regards to claims 1 and 2 Keller provides a wraparound garment (figures 1-3) having a rectangular body section with four edges (23, 25, 30). A pair of shoulder straps (35) located on horizontally opposite corners of the length dimension (30). The pair of shoulder straps (35) support and secure the wraparound garment upon a torso of a wearer (figures 1 and 2). The wraparound garment of Keller is capable of being placed on a user by inserting an arm into one opening (35), wrapping the body section completely around the torso and inserting the opposite arm into the second opening

Art Unit: 3765

(35). However, Keller fails to teach the shoulder straps being adjustable and one edge of the rectangular body section having a scalloped edge.



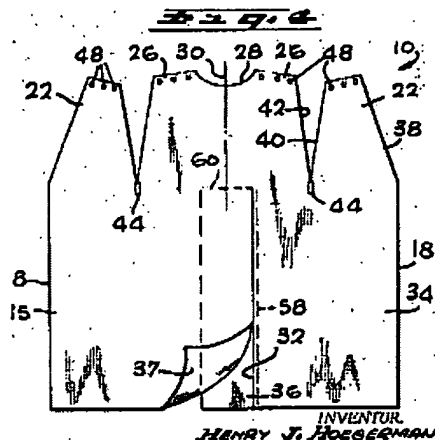
Hall provides shoulder straps (16) on a dress being adjustable (23, 25) and a bottom edge of the garment having a scalloped edge (figures 1 and 2, identifier 11).

It would have been obvious to have provided the adjustable shoulder straps of Hall on the wraparound garment of Keller, since the shoulder straps of Keller being adjustable would provide a garment that can be adjusted for proper fit and comfort to the wearer. The scalloped edge of Hall provided on the bottom edge of Keller would provide a wraparound garment with a decorative bottom adding the aesthetic appeal of the garment. It would have been further obvious that if the straps of Keller are adjustable that the user can place the garment on their body and then adjust the straps for an appropriate fit.

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keller and Flaherty as applied to claims 1 and 2 above, and further in view of Hoegerman (US 3,464,063).

Art Unit: 3765

Keller and Flaherty fail to teach a slit in the bottom center of the rectangular body section (36, 37).



Hoegerman provides a wraparound garment having a slit in the bottom center of the body section.

It would have been obvious to have provided the wraparound garment of Keller and Flaherty with the back slit of Hoegerman, since the wraparound garment of Keller and Flaherty provided with a back slit would provided a wraparound garment with greater easy access to the user's body underneath especially when using the rest rooms.

Conclusion

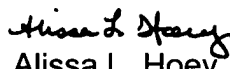
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Katze et al., Schrank, Parker, Nilssen, Baehr, Hansen, Asher, Feibel, Segerman, Langley, Mitchell, Abramson, Blich, Leu, Derrick, DeKeersmaecker, Paramore, Graham, Pedley, Trice, Zamist, Bassaldua, Roscoe, DePolo, Blume, Barron, Rennhofer, Henrickson, Cordova, Kaufer, Furgang, Van Scoy, Karmin, Laudick, Gordon

et al., Bern et al., Udell, Otani, Matory, Song, Fernandes, McLennan, Gootrad, Wang, LeFevre et al. and Fortuna are all cited to show closely related garment articles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alissa L. Hoey whose telephone number is (703) 308-6094. The examiner can normally be reached on M-F (8:00-5:30)Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (703) 305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Alissa L. Hoey
Patent Examiner
Technology Center 3700